



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,278	09/28/2005	Bob Rockoffs	R0100.0001	1554
32173 7590 07/29/2009 DICKSTEIN SHAPIRO LLP 1177 AVENUE OF THE AMERICAS (6TH AVENUE) NEW YORK, NY 10036-2714				
EXAMINER VARNUM, RYAN A				
ART UNIT 3751		PAPER NUMBER		
MAIL DATE 07/20/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/551,278

Applicant(s)

ROELOFFS, BOB

Examiner

RYAN VARNUM

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 8, 9, 11, 13, 15, 16, 20, 21, 23 and 33-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1, 3, 8, 9, 11, 13, 15, 16, 20, 21, 23 and 33-39 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

2. The species are as follows:

- | | |
|---------------------------|----------------------------|
| a. Species I – Fig. 1A | k. Species XI – Fig. 13A |
| b. Species II – Fig. 5 | l. Species XII – Fig. 14 |
| c. Species III – Fig. 6 | m. Species XIII – Fig. 15A |
| d. Species IV – Fig. 9A | n. Species XIV – Fig. 16A |
| e. Species V – Fig. 9D | o. Species XV – Fig. 17A |
| f. Species VI – Fig. 9E | p. Species XVI – Fig. 18 |
| g. Species VII – Fig. 9F | q. Species XVII – Fig. 19 |
| h. Species VIII – Fig. 9G | r. Species XVIII – Fig. 20 |
| i. Species IX – Fig. 10 | s. Species XIX – Fig. 21 |
| j. Species X – Fig. 12A | t. Species XX – Fig. 22 |

3. Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims

subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

4. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

5. The claims are deemed to correspond to the species listed above in the following manner:

- a. Applicant is required to identify which claims correspond to the elected species
- b. Currently, none of the claims are generic.

6. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

- a. Species I – Comprises a clamping member composed of two legs which are connected to one another at their second ends.
- b. Species II – Comprises a clamping member composed of two legs which are not connected to one another at their second ends.
- c. Species III – Comprises a clamping member composed of a single leg which encircles the body of the device.

- d. Species IV – Comprises a clamping member composed of an inner and outer loop, both of which comprise two legs which are connected to one another at their second ends.
- e. Species V – Comprises a clamping member composed of an inner and outer loop, wherein the inner loop comprises two legs which are connected to one another at their second ends, while the outer loop comprises two legs which are not connected to one another at their second ends.
- f. Species VI – Comprises a clamping member composed of an inner and outer loop, wherein the inner loop comprises two legs which are not connected to one another at their second ends, while the outer loop comprises two legs which are connected to one another at their second ends.
- g. Species VII – Comprises a clamping member composed of an inner and outer loop, both of which comprise two legs which are connected to one another at their second ends, and wherein the two loops are not connected at one of their first ends.
- h. Species VIII – Comprises a clamping member composed of an inner and outer loop, wherein the inner loop comprises two legs which are connected to one another at their second ends, while the outer loop comprises two legs which are not connected to one another at their second ends and which are adapted to receive a connecting piece between them.

- i. Species IX – Comprises a clamping member composed of an inner and outer loop, both of which comprise two legs which are connected to one another at their second ends, and a lip structure on the inner loop for receiving the body.
- j. Species X – Comprises a clamping member composed of an inner and outer loop, both of which comprise two legs which are connected to one another at their second ends, and a clamping structure on the inner loop for receiving the body.
- k. Species XI – Comprises a clamping member composed of two legs which are connected to one another at their second ends, and a clamping structure for receiving the body in a manner such that the body functions as a part of the clamping structure.
- l. Species XII – Comprises a clamping member composed of a single leg which does not encircle the body of the device.
- m. Species XIII – Comprises a clamping member composed of two legs which are connected to one another at their second ends, and a bulge structure.
- n. Species XIV – Comprises a clamping member composed of two legs which are connected to one another at their second ends, and a clamping structure for receiving the body, and a central body portion which serves as a cap for the body.
- o. Species XV – Comprises a clamping member composed of two legs which are connected to one another at their second ends, and a clamping structure for

receiving the body, and a central body portion adapted to receive a cap for the body.

p. Species XVI – Comprises a clamping member composed of an inner and outer loop, both of which comprise two legs which are connected to one another at their second ends, and the inner loop being configured to receive two writing bodies.

q. Species XVII – Comprises a clamping member composed of an inner and outer loop, both of which comprise two legs which are connected to one another at their second ends, and the outer loop having additional receiving means configured to receive two additional writing bodies in addition to the writing body received by the inner loop.

r. Species XVIII – Comprises a clamping member composed of an inner and outer loop, both of which comprise two legs which are connected to one another at their second ends, the inner loop being configured to receive four writing bodies, and both the inner and outer loops having joint structures.

s. Species XIX – Comprises a clamping member composed of an inner and outer loop, wherein the legs of the inner loop are connected to one another at their second ends, and the legs of the outer loop are not connected to one another at their second ends, the inner loop being configured to receive four writing bodies, and the inner loop having joint structures.

t. Species XX – Comprises a clamping member configured to receive four writing bodies, and having joint structures.

7. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN VARNUM whose telephone number is (571) 270-7853. The examiner can normally be reached on Monday - Friday, 9:00 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. V./
Examiner, Art Unit 3751

/Huyen Le/
Primary Examiner, Art Unit 3751